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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,  
  
Plaintiff/Counterclaim-Defendant,  
  
v.  
  
INTERNATIONAL BUSINESS MACHINES  
CORPORATION,  
  
Defendant/Counterclaim-Plaintiff.

**[PROPOSED]  
ORDER GRANTING IBM'S MOTION  
FOR SUMMARY JUDGMENT ON ITS  
CLAIM FOR COPYRIGHT  
INFRINGEMENT (IBM'S EIGHTH  
COUNTERCLAIM)**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Based on the submissions of the parties, such argument as was presented at hearing, and good cause appearing therefore,

IT IS HEREBY ORDERED that IBM's Motion for Summary Judgment on its Claim for Copyright Infringement (IBM's Eighth Counterclaim) is granted in its entirety with prejudice.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2006.

**BY THE COURT**

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**Dale A. Kimball**  
**United States District Court Judge**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of September, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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/s/ Amy F. Sorenson